

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DUSA PHARMACEUTICALS, INC.,

and

SIRIUS LABORATORIES, INC., a  
wholly-owned subsidiary of DUSA  
PHARMACEUTICALS, INC.,

Plaintiffs,

v.

RIVER'S EDGE PHARMACEUTICALS,  
LLC,

Defendant.

**Hon. Stanley R. Chesler, U.S.D.J.  
Civ. No. 06-1843 (SRC)**

**ORDER**

**CHESLER**, District Judge

**THIS MATTER** comes before the Court on the Motion of Plaintiffs DUSA Pharmaceuticals, Inc. ("DUSA") and Sirius Laboratories, Inc. ("Sirius II") (jointly "DUSA") for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65(a) enjoining Defendant, River's Edge, from infringement of the claims of DUSA's U.S. Patent No. 6,979,468 (the '468 patent"); and the Court having considered the submissions of the parties, and having held oral argument on May 5, 2006,

**IT IS, THEREFORE**, on this 12th day of May 2006, for the reasons set forth in the Court's Opinion filed herewith,

**ORDERED** that Plaintiffs' Motion for a Preliminary Injunction is **GRANTED**; and is further

**ORDERED** that Defendant River's Edge Pharmaceuticals, LLC, cease importing, making, having made, using, selling, and/or offering to sell NIC 750 and any other oral pharmaceutical product where a dosage unit contains at least 250 mg of nicotinamide in an immediate release form and an amount of zinc in a sustained release form in violation of one or more claims of the '468 patent; and it is further

**ORDERED** that Defendant River's Edge Pharmaceuticals, LLC, immediately recall and remove from the stream of commerce all NIC 750 product and any other infringing products from all distributors, wholesalers, franchisees, agents, independent contractors, other individuals or entities known to River's Edge except for retailers; and it is further

**ORDERED** that Defendant River's Edge request removal of the NIC 750 listing from the National Drug Data File maintained by First DataBank, Inc. and any similar database available to or used by distributors, wholesalers, retailers, pharmacists, doctors, hospitals, clinics, and other individuals or entities where NIC 750 has been listed and may be selected in any manner by one or more of the above entities as an equivalent substitute for Plaintiffs' patented Nicomide® product; and it is further

**ORDERED** that Defendant River's Edge Pharmaceuticals, LLC file with the Court and serve on DUSA within ten (10) days after service of the Court's Order, a report in writing under oath setting forth in detail the manner and form in which River's Edge has complied with this Court's Order; and it is further

**ORDERED** that Plaintiffs shall post a bond in the amount of \$750,000.00, and that the

provisions of this injunction shall not go into effect until said bond has been posted.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J.